

**CITY OF BOULDER
LANDMARKS BOARD
September 3, 2014
1777 Broadway, Council Chambers Room
6 p.m.**

The following are the action minutes of the September 3, 2014 City of Boulder Landmarks Board meeting. A digital recording and a permanent set of these minutes (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). You may also listen to the recording on-line at: www.boulderplandevlop.net.

BOARD MEMBERS:

Mark Gerwing, Chair

Kate Remley

Mike Schreiner

Fran Sheets

Deborah Yin

*Crystal Gray

**Planning Board representative without a vote*

STAFF MEMBERS:

Debra Kalish, Senior Assistant City Attorney

James Hewat, Senior Historic Preservation Planner

Marcy Cameron, Historic Preservation Planner

Angela Smelker, Historic Preservation Intern

1. CALL TO ORDER

The roll having been called, Chair **M. Gerwing** declared a quorum at 6:00 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **M. Gerwing**, seconded by **F. Sheets**, the Landmarks Board approved (5-0) the minutes of the August 6th, 2014 Board meeting.

3. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA

Bob Barron, 430 College Ave., spoke in opposition to the landmark designation of 445 College Ave.

Eileen Kintsch, 435 College Ave., spoke in opposition to the landmark designation of 445 College Ave.

George Stark, 445 College Ave., spoke in opposition to the landmark designation of 445 College Ave., and asked the Landmarks Board to issue a demolition permit. .

Gretchen King, 415 College Ave., spoke in opposition to the landmark designation of 445 College Ave.

Jim Scarboro, 735 12th Street, spoke in favor of the preservation of 747 12th St. and the neighborhood.

Martha Campbell, 750 12th St., spoke in favor of the preservation of 747 12th St. and the neighborhood.

Sharyn Corson, 757 8th St., spoke in favor of the landmark designation of 747 12th St.

Linda Wilson, 767 12th St., spoke in favor of the preservation of 747 12th St. and the neighborhood.

4. DISCUSSION OF LANDMARK ALTERATION AND DEMOLITION APPLICATIONS ISSUED AND PENDING

- **747 12th St. – Stay-of-Demolition expires Oct. 20, 2014**

An application for the designation of the 700 block of 12th Street was filed by 30% of the property owners in the proposed area on September 3, 2014. The Landmarks Board voted (5-0) to hold an initiation hearing for 747 12th St., acknowledging that an initiation hearing for the proposed historic district will also be held on Oct. 1, 2014.

- **445 College Ave. – Stay-of-Demolition expires Oct. 25, 2014**

The board voted (5-0) to hold a public hearing on October 1, 2014 to either initiate landmark designation or to issue a demolition permit for the property.

- **405 Valley View Dr. – Stay-of-Demolition expires Nov. 23, 2014**

Staff has spoken with the applicant and a meeting to discuss alternatives to demolition with the property owners will be scheduled within the next week.

- **Statistical Report**

5. ACTION ITEMS

A. Public hearing and consideration of an application to designate the property located at 1919 14th St. as a local historic landmark per Section 9-11-5 of the Boulder Revised Code, 1981 (HIS2014-00186). Applicant / Owner: 1919 Street, LLC.

Staff Presentation

M. Cameron made a PowerPoint presentation to the Landmarks Board and recommended that the board forward the application to City Council with a recommendation to designate the property as an individual landmark.

Applicant's Presentation

Jeff Wingert, 1375 Walnut Street, W.W. Reynolds Co., spoke in support of the landmark designation of the Colorado Building.

Public Hearing

Abby Daniels, Executive Director of Historic Boulder, Inc., 1123 Spruce Street, spoke in support of landmark designation for the property.

Motion

On a motion by **M. Gerwing**, seconded by **M. Schreiner**, the Landmarks Board adopted (**4-1**, **K. Remley** opposed) a resolution to initiate landmark designation the property at 1919 14th St. as a local historic landmark, to be known as the Colorado Building, finding that it meets the standards for individual landmark designation in Sections 9-11-1 and 9-11-2, B.R.C. 1981, and adopts the staff memorandum, including the following as the findings of the board.

FINDINGS

The Landmarks Board finds, based upon the application and evidence presented, that the proposed designation application is consistent with the purposes and standards of the Historic Preservation Ordinance, and:

1. The proposed designation will protect, enhance, and perpetuate a building reminiscent of a past era and important in local and state history and provide a significant example of architecture from the past. Sec. 9-11-1(a), B.R.C. 1981.
2. The proposed designation will maintain an appropriate setting and environment and will enhance property values, stabilize the neighborhood, promote tourist trade and interest, and foster knowledge of the city's living heritage. 9-11-1(a), B.R.C. 1981.
3. The proposed designation draws a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings important to that heritage will be carefully weighed with other alternatives. 9-11-1(b), B.R.C. 1981.
4. The building proposed for designation has a special character and historic, architectural and aesthetic characteristics. Sec. 9-11-2(a)(1), B.R.C. 1981.
5. The proposed designation is consistent with the criteria specified in Section 9-11-5(c), B.R.C. 1981.

K. Remley voted against the landmark designation as its construction in the 1950s resulted in an outcry against high-rise buildings and that she considers that the building does not possess sufficient architectural, historic or environmental significance.

B. Continuation of a public hearing and consideration of a Landmark Alteration Certificate to remodel and change the roof form to one side of the contributing accessory building at 2515 7th St. in the Mapleton Hill Historic District, per section 9-11-18 of the Boulder Revised Code (HIS2014-00190). Applicant: Christopher Melton. Owner: Jennifer Kilbury.

Board members were asked to reveal any ex-parte contacts they may have had on this item.
All board members made site visits.

Staff Presentation

M. Cameron made a PowerPoint presentation to the Landmarks Board with a recommendation that the board deny the application.

Applicant's Presentation

Christopher Melton, 3340 Hemlock Pl., architect, stated that the building should be considered non-contributing and spoke in support of the submitted proposal to remodel the garage.

Public Hearing

Abby Daniels, Executive Director of Historic Boulder, Inc., 1123 Spruce Street, stated that Historic Boulder considers the building to be contributing and that it supports the staff recommendation.

Motion

On a motion by **M. Gerwing**, seconded by **K. Remley**, the Landmarks Board denied (5-0) the request for a Landmark Alteration Certificate to change the roof form of one side of the contributing accessory building and construct a 6' tall front yard fence at 2515 7th St. in the Mapleton Hill Historic District, in that the proposed construction does not meet the requirements of Section 9-11-18 of the Boulder Revised Code, 1981 and adopts the staff memorandum dated July 2, 2014 as findings of the board.

This recommendation is based upon staff's opinion that the modification of the roof form of a contributing building and construction of a 6' high front yard fence will be inconsistent with Section 9-11-18, Boulder Revised Code (B.R.C.) 1981, the Mapleton Hill Historic District Design Guidelines and the General Design Guidelines.

- C. Continuation of a public hearing and consideration of an application for a Landmark Alteration Certificate to construct a 1,459 sq. ft. addition to the main house, to relocate an existing garage on the property, and to construct a 330 sq. ft. one-car garage at 711 Pine St. in the Mapleton Hill Historic District, per section 9-11-18 of the Boulder Revised Code 1981 (HIS2014-00172). Applicant: David Waugh. Owner: Kevin Deighan.**

Board members were asked to reveal any ex-parte contacts they may have had on this item.
All board members made site visits.

Staff Presentation

J. Hewat made a PowerPoint presentation to the Landmarks Board recommending that the board conditionally approve the application.

Applicant's Presentation

David Waugh, 71 Bowen Ave., Longmont, project architect, spoke in support of the proposal.

Public Hearing

Abby Daniels, Historic Boulder, Inc., 1123 Spruce St., stated that the Preservation Committee agrees with staff's recommendation.

The majority of the Landmarks Board considered that the proposed design of the addition did not meet the design guidelines. The applicant withdrew the application for redesign.

- D. Continuation of a public hearing and consideration of a Landmark Alteration Certificate to demolish a contributing accessory building, construct a 6' x 26' rear deck, flagstone patio, and basketball court, retaining walls and fire pit with concrete base at 437 Highland Ave. in the Mapleton Hill Historic District, per section 9-11-12 of the Boulder Revised Code (HIS2014-00176). Applicant/Owner: Andrew and Genevieve Horning.**

Board members were asked to reveal any ex-parte contacts they may have had on this item.

M. Schreiner recused himself. **M. Gerwing, K. Remley, F. Sheets and D. Yin** made site visits.

Staff Presentation

J. Hewat made a presentation to the Landmarks Board recommending that the board approve in part and deny in part the application.

Applicant's Presentation

Andy Littman, 50 Arapahoe Ave., #301, legal counsel for the owners, spoke in support of the LAC application and proposed to keep the basketball court in place and remove the concrete in-between the house and the court to allow for additional green space.

Andrew Horning, 437 Highland Ave., applicant and owner of the property, answered questions from the board and spoke in support of the proposal.

Public Hearing

Chris Sestrong, 430 Mapleton Ave., spoke in support of the Landmark Alteration Certificate application, particularly of the retention of the sport court.

Abby Daniels, Executive Director of Historic Boulder, Inc., 1123 Spruce St., stated that the Historic Boulder Preservation Committee agrees with the staff's recommendation and also urged the board to the violation seriously, acknowledging the precedent this case may set.

Kathryn Barth, 2940 20th St., spoke of her experience as a consultant for the 2005 accessory building survey and the importance of contributing accessory buildings to the character of the Mapleton Hill Historic District.

Paul Wenig, 2443 6th St., spoke of his previous experience with the Landmarks Board and a tension between safety and historic preservation.

Carrie O'Neal, 421 Pine St., spoke in support of the basketball court as a safe gathering space for neighborhood children.

Kristin Zompa, 454 Highland Ave., spoke in support of the sport court and the Horning's back yard as an important community space and against a reconstruction of the accessory building as it would not be historic.

Beverly Potter, 3211 11th St., spoke in support of staff's recommendation.

Maggie Warn, 429 Highland Ave., spoke in support of the historic character of the district and in support of the Horning's application.

A letter and photographs from next door neighbor Carol Grasse opposing the proposal were circulated to the board.

Applicant's Rebuttal

Andy Horning, 437 Highland Ave., stated that he assumed that the landscape architect had taken care of the required Landmark Alteration Certificate and permits. He stated that he did not realize review was necessary and urged the board to provide additional outreach to contractors, consultants and property owners regarding the design guidelines and required processes in the historic district. He offered his services as a liaison in the neighborhood to assist with this.

Motion

On a motion by **M. Gerwing**, seconded by **F. Sheets**, the Landmarks Board, by a vote of 4-0 (**M. Schreiner** recused), adopted the staff memorandum, dated Aug. 6, 2014, as findings of the board, denied the application for the demolition of the contributing accessory building, and the construction of retaining walls in the back yard. Because the proposal for a rear deck, patio and areas of rear yard paving meets the standards for issuance of a Landmark Alteration Certificate per Section 9-11-18, B.R.C. 1981, and is consistent with Sections 2, Site Design and Other Accessory Structures, of the General Design Guidelines and Section C, Landscaping and Section D, Alleys, Easements and Accessways, of the Mapleton Hill Historic District Design Guidelines, those elements of the proposal were conditionally approved.

CONDITIONS OF APPROVAL:

1. The applicant shall:
 - Remove approximately 50% of the hardscaping between the rear of the house and the garage;
 - Remove the fire pit, retaining walls and planter retaining walls;
 - Revise fence design to a maximum height of 5';
 - Submit for review by Design Review Committee materials, color, and exterior lighting.
2. The applicant shall submit detailed plans for the hardscaping, fire pit and retaining wall removal, as well as a revised fence design showing the height to the top of the fence to be no more than 5' at any point. These design details shall be reviewed and approved by the Landmarks design review committee, prior to the issuance of a building permit. The applicant shall demonstrate that the design details are in compliance with the intent of this approval and the *Mapleton Hill Historic District Design Guidelines* and the *General Design Guidelines*.
3. The applicant shall be responsible for completing the work as shown on plans that have been approved pursuant to 3, above.

Upon questioning by the Board, **Debra Kalish**, Senior Assistant City Attorney for the City of Boulder represented that City will consider prosecuting the applicant for the unauthorized demolition of the contributing accessory building.

E. Public hearing and consideration of an application for a Landmark Alteration Certificate to construct a 1,359 sq. ft. addition to a contributing house and to construct a 440 sq. ft. two-car garage at 735 Mapleton Ave. in the Mapleton Hill Historic District, per section 9-11-18 of the Boulder Revised Code 1981 (HIS2014-00192). Applicant: David Waugh. Owner: Marybeth Emerson.

Board members were asked to reveal any ex-parte contacts they may have had on this item.

F. Sheets recused herself. **M. Gerwing, K. Remley, M. Schreiner** and **D. Yin** made site visits.

Staff Presentation

J. Hewat presented to the Landmarks Board with a recommendation of conditional approval of the Landmark Alteration Certificate application.

Applicant's Presentation

David Waugh, 71 Bowen Ave., Longmont, spoke in support of the Landmark Alteration Certificate application, clarifying that the addition would not be visible from Mapleton Ave.

Marybeth Emerson, 735 Mapleton Ave., spoke in support of the Landmark Alteration Certificate application.

Public Hearing

Kathryn Barth, 2950 20th St, spoke in opposition to the proposal.

Abby Daniels, Executive Director of Historic Boulder, Inc., 1123 Spruce St., stated that the HBI Preservation Commission agreed with staff's recommendation to conditionally approve the project.

Applicant's Rebuttal

David Waugh, 71 Bowen Ave., Longmont, reiterated the relative size of the addition and existing house.

Board Discussion

The Landmarks Board considered that due to the extent of the proposed conditions of approval, those conditions could not be reviewed by the Landmarks Design Review Committee. Direction for the applicant's redesign:

- 1) Retention of rear dormer;
- 2) Simplicity of massing, roof forms and materiality;
- 3) Consideration of a 1 ½ story addition;
- 4) Preservation of the existing garage;
- 5) New garage of maximum 1 ½ car garage.

The applicant withdrew their application for redesign.

6. MATTERS FROM THE LANDMARKS BOARD, PLANNING DEPARTMENT AND CITY ATTORNEY

- A. Update Memo
- B. Subcommittee Update

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The meeting adjourned at 12:27 a.m.

Approved on October 1, 2014

Respectfully submitted,

Chairperson